

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 76a

52nd Legislature, 1st Session, 2015

Tracking Number: .198781.1

Short Title: Teacher Licensure Levels & Advancement

Sponsor(s): Representative Dennis J. Roch

Analyst: Heidi L. Macdonald

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AS AMENDED

The House Education Committee amendments:

- **delete and replace the definition of “professional development plan” to mean a written plan that:**
 - **is initiated as a result of a licensed school employee receiving a minimally effective or ineffective summative evaluation rating;**
 - **articulates the specific areas of unsatisfactory performance and provides feedback and recommendations on how to improve practice;**
 - **is in effect for 90 school days; and**
 - **states the expectation that the teacher demonstrate improvement in certain areas within 90 working days of receiving the professional growth plan;**
- **add language:**
 - **to require school districts to provide a professional growth plan to level one associate and level two professional teachers who do not meet competency in the teacher evaluations; and**
 - **to allow school districts not to contract with a teacher who, by the end of that school year, fails to demonstrate competency; and**
- **require school districts to provide a professional growth plan, rather than a professional development plan, to any level three-A master teachers who do not demonstrate essential competency.**

Original Bill Summary:

HB 76 amends sections of the *School Personnel Code* to rename each of the four levels of licensure by adding:

- “associate teacher” to the level one license, both standard and alternative;
- “professional teacher” to the level two license;
- “master teacher” to the level three-A license; and
- “administrator’s” to the level three-B license.

HB 76 defines two terms:

- **“highly objective uniform statewide standard of evaluation”** means an evaluation rating of:
 - exemplary;
 - highly effective;
 - effective;
 - minimally effective; or
 - ineffective; and
- **“professional development plan”** means a written plan for the teacher that:
 - identifies the areas in which the teacher needs improvement;
 - provides for professional development, training, support, or other opportunities aligned with the areas in which the teacher needs improvement; and
 - states the expectation that the teacher demonstrate improvement in certain areas within 90 working days of receiving the professional development plan.

Among its other provisions, HB 76:

- requires that a beginning teacher seeking a level one associate teacher license undergo a highly objective uniform statewide standard of evaluation (HOUSSE) by a school administrator pursuant to rule of the Public Education Department (PED);
- removes the requirements for associate licensed teachers (currently level one teachers) to wait three full school years before applying for a professional license;
- changes the duration of professional (currently level two) and master (currently level three-A) licenses from nine years to five years;
- allows PED to issue a professional license to an applicant who successfully:
 - completes the associate license or is granted reciprocity as provided by PED rule;
 - demonstrates essential competency required by PED as verified by the local superintendent through the HOUSSE and meets other qualifications as required by PED; or
 - completes at least two years of teaching with a level one associate teacher license and has received a HOUSSE rating of exemplary or highly effective for two consecutive years prior to applying for the license; and
- allows PED to issue a master teacher license to an applicant who:
 - has been a licensed level two professional teacher for at least three years and holds a post-baccalaureate degree or national board for professional teaching standards (NBPTS) certification;
 - demonstrates instructional leader competence as required by PED and verified by the local superintendent through HOUSSE; and
 - meets other qualifications for the license; or
 - who has completed two years of teaching with a level two professional teacher license and has received a HOUSSE rating of exemplary or highly effective for two consecutive years prior to applying for the license.

HB 76 also contains an effective date of July 1, 2015, contingent upon certification to the New Mexico Compilation Commission by the Secretary of Public Education that prior to that date PED has established and implemented a funding mechanism to compensate school districts for additional personnel costs associated with implementing the provisions of HB 76.

Fiscal Impact:

HB 76 does not contain an appropriation.

According to the PED analysis of a similar bill from 2014, the expected increase in applications for licenses will generate the revenue required to meet the administrative need at PED to process the applications.

The unidentified source of the money to compensate the school districts would be a financial burden.

Substantive Issues:

As noted under “Bill Summary,” above, one of the major provisions in HB 76 is to change the name or designation of the three teacher licensure levels and the single administrator licensure level. These changes, however, create a conflict between the sections of the *School Personnel Act* that HB 76 does amend and those that it does not, which still refer to licensure levels by their current designations. The sections that are not amended include:

- section 22-10A-11.1, Alternative level two or three license;
- section 22-10A-11.2, Deaf and hard-of-hearing teachers; alternative licensure assessment; saving provision;
- section 22-10A-11.3, Level three-B provisional licensure for school principals;
- section 22-10A-12, Limited reciprocity;
- section 22-10A-14, Certificates of waiver; and
- section 22-10A-19, Teachers and school principals; accountability; evaluations; professional development; peer intervention; mentoring, NMSA 1978.

HB 76 also conflicts with other sections of the *Public School Code* that cite licensure levels by their current designations – the *Instructional Material Law*, for example, section 22-15-8 Multiple list; selection; review process, NMSA 1978.

While HB 76 does allow teachers to advance from one licensure level to another more quickly than the current system does, it also requires teachers to renew their licenses more frequently because licenses that are now valid for nine years are valid for only five years under HB 76. Therefore, teachers will be subject to licensure renewal fees on a more frequent basis than they are now.

The analysis of HB 76 by New Mexico State University (NMSU) notes that the new option for satisfying the criteria for a level three-B administrator’s license (two years of teaching at level two and a HOUSSE rating of exemplary or highly effective for two consecutive years) may have an adverse impact on the colleges of education at institutions of higher education (IHEs) in New Mexico. According to the NMSU analysis, IHEs in New Mexico have invested funds, time, and energy in response to the original intent of the statute to put into place programs to

meet the state's desire for improved professional development for master teachers. The additional option under HB 76 may decrease demand for these programs.

Background:

Current Law

Among its provisions, the *School Personnel Act* requires:

- post-baccalaureate degrees or NBPTS certification before teachers may obtain level three-A or level three-B licenses;
- PED to adopt minimum HOUSSE criteria of licensed school employees;
- the professional development plan for teachers to include documentation on how a teacher who receives professional development that has been required or offered by the state or a school district or charter school incorporates the results of that professional development in the classroom;
- a local superintendent to adopt policies, guidelines, and procedures for the performance evaluation process;
- an evaluation by other school employees to be one component of the evaluation tool for school administrators;
- as part of the HOUSSE for teachers, a school principal to observe each teacher's classroom practice to determine the teacher's ability to demonstrate state-adopted competencies;
- at the beginning of each school year, teachers and school principals to devise professional development plans for the coming year, and performance evaluations to be based in part on how well the professional development plan was carried out;
- if a level two or level three-A teacher's performance evaluation indicates less than satisfactory performance and competency, a school principal to require a teacher to undergo peer intervention, including mentoring, for a period the school principal deems necessary. If the teacher is unable to demonstrate satisfactory performance and competency by the end of the period, the peer interveners may recommend termination of the teacher; and
- at least every two years, school principals to attend a training program approved by the department to improve their evaluation, administrative, and instructional leadership skills.

PED Rule: Performance Evaluation System Requirements for Teachers

To advance through licensure levels, PED rules specify the Professional Development Dossier (PDD) as the central requirement in the process [6.69.4 NMAC]. PED defines the PDD as a "focused, compact collection of documentation" compiled by the teacher and the school district. The PDD:

- includes classroom data such as lesson descriptions, student work, and video and audio recordings, with explanations written by the teacher and verification of the work and recommendation for advancement completed by the superintendent; and
- is organized into five strands:
 - the first three of which – Instruction, Student Learning, and Professional Learning – incorporate the nine teacher competencies specified in PED rule and are completed by the teacher; and

- two other strands, which, respectively, verify the teacher's work in the dossier and recommend the teacher for licensure advancement based on the annual evaluations are completed by a district-level administrator.

Adopted in August 2012 and amended in September 2013, the PED rule titled *Teacher and School Leader Effectiveness* implements an evaluation program for public school teachers and administrators called the Effectiveness Evaluation System (EES). During the 2013 interim, the Legislative Education Study Committee (LESC) heard a variety of testimony on the provisions and implementation of this rule and on other aspects of teacher and principal evaluation.

In PED rule, 50 percent of a teacher's evaluation is based on student achievement measures, whether derived from the state standards-based assessments or some other student assessment. Details vary, however, depending upon whether a teacher is a member of Group A, Group B, or Group C.

- Group A teachers teach subjects tested by the standards-based assessments in those grades in which the assessments are administered;
- Group B teachers teach either non-tested subjects or tested subjects in which the standards-based assessments are not administered; and
- Group C teachers teach in grades K-2.

For the remainder of a teacher's evaluation:

- 25 percent is based on teaching observations by one of two types of observers – either “approved” or “certified” – using the New Mexico Teacher Evaluation Advisory Council (NMTEACH) observation rubric; and
- 25 percent is based on “multiple measures,” which vary, again, according to the group to which the teacher belongs.

For administrators, the EES requires that every school leader have an annual effectiveness evaluation, which must be conducted by a qualified person approved by PED. For the EES rating itself:

- 50 percent is based on the change in the school's letter grade;
- 25 percent is based on the school's multiple measures; and
- 25 percent is based on “documented fidelity observations of the school leader.”

Administrators are categorized into two groups:

- Group A principals are all principals and assistant principals (certified administrators); and
- Group B principals are all principals and assistant principals (certified administrators) who perform observations but not summative evaluations.

Committee Referrals:

HEC

Related Bills:

HB 71a *Streamline Teacher & Administrator Licensure*
SB 91 *Teacher Licensure Levels & Advancement (Identical)*
SB 126 *Level 3-B School Admin Licensure Requirements*
SB 153 *Streamline Teacher Administrative Licensure*
SB 223 *Phased Minimum Teacher Salary Increase*
SB 329 *School Licensure Reciprocity Requirements*
SB 378 *Teacher & Admin Differential Performance*